

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**SABLE NETWORKS, INC. AND
SABLE IP, LLC,**

Plaintiffs,

v.

CLOUDFLARE, INC.,

Defendant.

Civil Action No. 6:21-cv-00261-ADA

JURY TRIAL DEMANDED

CASE READINESS STATUS REPORT

Plaintiffs Sable Networks, Inc. and Sable IP, LLC (collectively, “Sable” or “Plaintiffs”) and Defendant Cloudflare, Inc. (“Cloudflare” or “Defendant”), hereby provide the following status report in advance of the initial Case Management Conference (CMC).

FILING AND EXTENSIONS

Plaintiffs’ Complaint was filed on March 15, 2021. There was one extension for a total of 45 days.

RESPONSE TO THE COMPLAINT

On May 24, 2021, Defendant Cloudflare filed an Answer and Counterclaims (asserting counterclaims for declaratory judgment of non-infringement and invalidity). Dkt. 16.

PENDING MOTIONS

There are no motions presently pending in this action.

RELATED CASES IN THIS JUDICIAL DISTRICT

There are three cases in this Judicial District which involve one or more commonly-asserted patents-in-suit: (1) *Sable Networks, Inc., et al. v. SonicWall Inc.*, No. 6:21-cv-00190-ADA

(W.D. Tex.) (“*SonicWall Case*”); (2) *Sable Networks, Inc., et al. v. Forcepoint LLC*, No. 6:21-cv-00241-ADA (W.D. Tex.) (“*Forcepoint Case*”); and (3) *Sable Networks, Inc., et al. v. Riverbed Technology, Inc.*, No. 6:21-cv-00175-ADA (W.D. Tex.) (“*Riverbed Case*”).

Because there is not a complete overlap of the patents-in-suit between all four related cases pending before this Court, Plaintiffs have included the below chart reflecting which Sable patents are asserted in each case pending before this Court:

U.S. Patent No.	<i>SonicWall Case</i>	<i>Forcepoint Case</i>	<i>Cloudflare Case</i> ¹	<i>Riverbed Case</i>
6,954,431	X	X	X	X
6,977,932	X	X	X	X
7,012,919			X	
7,630,358	X			
8,085,775				X
8,243,593	X	X	X	X
8,817,790				X
9,774,501		X		

IPR, CBM, AND OTHER PGR FILINGS

CloudFlare, Inc., and SonicWall Inc. v. Sable Networks, Inc., IPR2021-00909 (PTAB), which requests *Inter Partes* Review of U.S. Patent No. 8,243,593, was filed on May 7, 2021. A Final Written Decision is expected on or before November 21, 2022.

CloudFlare, Inc., and SonicWall Inc. v. Sable Networks, Inc., IPR2021-00969 (PTAB), which requests *Inter Partes* Review of U.S. Patent No. 6,977,932, was filed on May 21, 2021.

¹ “*Cloudflare Case*” refers to this above-captioned action.

This IPR petition has not yet been docketed; accordingly, the exact deadline for a Final Written Decision is not presently known. Plaintiffs anticipate that a Final Written Decision deadline will likely fall in November 2022.

Cloudflare, Inc. and SonicWall Inc. v. Sable Networks, Inc., IPR2021-01005 (PTAB), which requests *Inter Partes* Review of U.S. Patent No. 7,012,919, was filed on May 28, 2021. This IPR petition has not yet been docketed; accordingly, the exact deadline for a Final Written Decision is not presently known. Plaintiffs anticipate that a Final Written Decision deadline will likely fall in November 2022.

Cloudflare also currently expects to file an IPR petition as to U.S. Patent No. 6,954,431.

NUMBER OF ASSERTED PATENTS AND CLAIMS

Plaintiffs have asserted four patents. Plaintiffs have not yet served their Preliminary Infringement Contentions (“PICs”) in this action. Plaintiffs will identify the claims to be asserted in their PICs but currently anticipate that there will be 90-100 asserted claims.

APPOINTMENT OF TECHNICAL ADVISER

Plaintiffs request the appointment of Dr. Joshua Yi as a technical adviser in this case. Cloudflare does not request appointment of a technical advisor at this time, but does not oppose the appointment of a technical advisor should the Court deem it appropriate or helpful to the Court.

MEET AND CONFER STATUS

The Parties conducted a meet-and-confer conference on May 28, 2021. The Parties do not have any pre-*Markman* issues to raise with the Court during the Case Management Conference.

DATED: June 1, 2021

Respectfully submitted,

/s/ Daniel P. Hipskind

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on June 1, 2021, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system.

/s/ Daniel P. Hipskind

Daniel P. Hipskind